

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
SONAR PRODUCTIONS, :
 :
 Plaintiff, :
-against- :
 :
STICKERS BANNERS.COM, :
 :
 Defendant. :
-----X
-----X
SONAR PRODUCTIONS LLC, :
 :
 :
 Plaintiff, :
-against- :
 :
FBI, :
 :
 Defendant. :
-----X
-----X
SONAR PRODUCTIONS LLC, :
 :
 :
 Plaintiff, :
-against- :
 :
CHAR-BROIL, :
 :
 Defendant. :
-----X
-----X
SONAR PRODUCTIONS LLC, :
 :
 :
 Plaintiff, :
-against- :
 :
DICK CLARK PRODUCTIONS INC., :
 :
 :
 Defendant. :
-----X

MEMORANDUM
AND ORDER
15-CV-2442 (DLI) (LB)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SONAR PRODUCTIONS LLC,	:	X
Plaintiff,	:	
-against-	:	
LOCAL 600 INTERNATIONAL	:	
CINEMATOGRAPHER,	:	15-CV-2448 (DLI) (LB)
Defendant.	:	
	X	
	X	
SONAR PRODUCTIONS LLC,	:	
Plaintiff,	:	
-against-	:	
GMC,	:	15-CV-2449 (DLI) (LB)
Defendant.	:	
	X	
	X	
SONAR PRODUCTIONS LLC,	:	
Plaintiff,	:	
-against-	:	
COAST 2 COAST MIXTAPES,	:	15-CV-2450 (DLI) (LB)
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
Plaintiff,	:	
-against-	:	
PROMETHEUS GLOBAL MEDIA,	:	15-CV-2452 (DLI) (LB)
Defendant.	:	
	X	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
WENNER MEDIA LLC,	:	
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
ALANIC,	:	
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
ENTREPRENEUR MEDIA INC.,	:	
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
LUBY PUBLISHING INC.,	:	
Defendant.	:	

15-CV-2454 (DLI) (LB)

15-CV-2455 (DLI) (LB)

15-CV-2456 (DLI) (LB)

15-CV-2457 (DLI) (LB)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
KYLIN INT MACHINERY LIMITED,	:	15-CV-2723 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
MOET & CHANDON CHAMPAGNE,	:	15-CV-2724 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
MASTER EQUIPMENT,	:	15-CV-2727 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
LESLIE PHILS-AMIE,	:	15-CV-2728 (DLI) (LB)
Defendant.	:	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
OFFICE OF THE REGISTRATION OF COMPANIES,	:	15-CV-2730 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
U.S. COPYRIGHT OFFICE,	:	15-CV-2731 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
THE STATE OF NEW JERSEY,	:	15-CV-2733 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
SIRIUS,	:	15-CV-2734 (DLI) (LB)
Defendant.	:	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
AT&T CENTER PARKWAY,	:	15-CV-2735 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
FBI,	:	15-CV-2736 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
PALLADIA, INC. WILLOW AVE SHELTERS,	:	15-CV-2737 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
U.S. DEPARTMENT OF COMMERCE,	:	15-CV-2746 (DLI) (LB)
Defendant.	:	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
	:	
Plaintiff,	:	
-against-	:	
PROCTOR & GAMBLE,	:	
	:	
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
	:	
Plaintiff,	:	
-against-	:	
MARTHA STEWART LIVING	:	
OMNIMEDIA, INC.,	:	
	:	
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
	:	
Plaintiff,	:	
-against-	:	
LEGAL BUD,	:	
	:	
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
	:	
Plaintiff,	:	
-against-	:	
CHEESECAKE FACTORY,	:	
	:	
Defendant.	:	
	X	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
ROYAL CARIBBEAN,	:	15-CV-2879 (DLI) (LB)
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
Plaintiff,	:	
-against-	:	
U.S. DEPT OF HEALTH & HYGIENE (MOBIL FOOD VENDOR),	:	15-CV-2880 (DLI) (LB)
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
Plaintiff,	:	
-against-	:	
SUGAR MOUNTAIN FARMS,	:	15-CV-2881 (DLI) (LB)
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
Plaintiff,	:	
-against-	:	
TRUE RELIGION BRAND JEANS : APPAREL INC.,	:	15-CV-2882 (DLI) (LB)
Defendant.	:	
	X	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
BRAZILIAN BOARD OF TRADE,	:	15-CV-2883 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
CHICK-FIL-A,	:	15-CV-2884 (DLI) (LB)
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
FOOTLOCKER,	:	15-CV-2885 (DLI) (LB)
Defendant.	:	
SONAR PRODUCTIONS LLC,	:	X
Plaintiff,	:	
-against-	:	
TWITTER,	:	15-CV-2886 (DLI) (LB)
Defendant.	:	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
KIMBERLY CLARK,	:	15-CV-2887 (DLI) (LB)
Defendant.	:	
SONAR PRODUCTIONS LLC,	:	X
Plaintiff,	:	
-against-	:	
DOW JONES,	:	15-CV-3034 (DLI) (LB)
Defendant.	:	
SONAR PRODUCTIONS LLC,	:	X
Plaintiff,	:	
-against-	:	
S&P 500,	:	15-CV-3035 (DLI) (LB)
Defendant.	:	
SONAR PRODUCTIONS LLC,	:	X
Plaintiff,	:	
-against-	:	
SKYPE,	:	15-CV-3036 (DLI) (LB)
Defendant.	:	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SONAR PRODUCTIONS LLC,	:	X
	:	
Plaintiff,	:	
-against-	:	
U.S. DEPT OF COMMERCE,	:	
	:	
Defendant.	:	
	X	
JAMTIME STUDIO'S INC.	:	X
	:	
Plaintiff,	:	
-against-	:	
U.S. DEPT OF COMMERCE,	:	
	:	
Defendant.	:	
	X	
JAMTIME STUDIO'S INC.,	:	X
	:	
Plaintiff,	:	
-against-	:	
SKYPE,	:	
	:	
Defendant.	:	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
	:	
Plaintiff,	:	
-against-	:	
ATLANTIC CITY POLICE DEPT,	:	
	:	
Defendant.	:	
	X	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
MARS CHOCOLATE NORTH	:	
AMERICA,	:	
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
DAIRY QUEEN,	:	
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
NEW YORK CITY HOMELESS DEPT.,	:	
Defendant.	:	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
NEW YORK CITY BOARD OF	:	
SOCIAL SERVICES,	:	
Defendant.	:	

15-CV-3041 (DLI) (LB)

15-CV-3042 (DLI) (LB)

15-CV-3043 (DLI) (LB)

15-CV-3044 (DLI) (LB)

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
BAD BOY,	:	15-CV-3045 (DLI) (LB)
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
Plaintiff,	:	
-against-	:	
BELLEVUE HOSPITAL CENTER,	:	15-CV-3046 (DLI) (LB)
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
Plaintiff,	:	
-against-	:	
JURA CAPRESSO,	:	15-CV-3047 (DLI) (LB)
Defendant.	:	
	X	
	X	
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
Plaintiff,	:	
-against-	:	
DRY CLEAN USA,	:	15-CV-3048 (DLI) (LB)
Defendant.	:	
	X	

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	X
Plaintiff,	:	
-against-	:	
DOMINO'S,	:	
Defendant.	:	
		X
		X
DESMOND M. WITHERSPOON, <i>pro se</i> ,	:	
Plaintiff,	:	
-against-	:	
METROPOLITAN PLANT AND	:	
FLOWER EXCHANGE,	:	
Defendant.	:	
		X

DORA L. IRIZARRY, United States District Judge:

On April 29, May 11, May 18, and May 21, 2015, plaintiff Desmond M. Witherspoon¹ (“Plaintiff”) appearing *pro se*, filed these 58 actions against various defendants. In all the actions, plaintiff seeks a “service agreement.” (See generally Compls. at ¶ IV.) The Court consolidates these actions and grants Plaintiff’s requests to proceed *in forma pauperis* (“IFP”) pursuant to 28

¹ The Court takes judicial notice that Plaintiff also filed actions under the names “Sonar Productions LLC” and “Jamtime Studio’s Inc.” The Plaintiff’s signature and IFP application, as well as the format of these complaints, is exactly the same as in the complaints filed under his name, Desmond M. Witherspoon. In any event, a corporation cannot appear *pro se* and Witherspoon, who is not attorney, may not appear on behalf of a corporation. *See Berrios v. N.Y.C. Hous. Auth.*, 564 F.3d 130, 133 (2d Cir. 2009); *see also Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir. 1983).

U.S.C. § 1915 solely for the purpose of this Order.² The complaints are dismissed, with prejudice, for the reasons set forth below.

BACKGROUND

Inexplicably, Plaintiff seeks a service agreement and the “Reorganization of Government Entities” either pursuant to the Reorganization Act of 1939 or 5 U.S.C. § 133. (*See generally* Compls. at ¶¶ II-IV.) Plaintiff provides no other statements from which the Court could infer the basis for any of the complaints.

Previously, on March 25, 2015, Plaintiff filed nine actions pursuant to the Reorganization Act of 1939. By Memorandum and Order dated March 31, 2015, this Court dismissed all nine actions as frivolous. *See Witherspoon v. Ass’n of Prof'l Recording Svce, et al.*, No. 15-cv-1584 through 1592 (E.D.N.Y. Mar. 31, 2015) (consolidating and dismissing all nine complaints, outlining Plaintiff’s litigation history, and warning Plaintiff against filing frivolous litigation in this Court). On April 2, 2015, Plaintiff filed eleven actions pursuant to same Act and seeking the same “relief.” (*See generally* Compl., No. 15-cv-1879 through 1889). By Memorandum and Order dated April 30, 2015, the Court dismissed all eleven actions and directed Plaintiff to show cause why he should not be enjoined from filing any new IFP action in this Court. *See Witherspoon v. U.S. Dep’t of Educ., et al.*, No. 15-cv-1879 through 1889 (E.D.N.Y. Apr. 30, 2015) (consolidating and dismissing all eleven complaints and outlining Plaintiff’s litigation history). On May 21, 2015, Plaintiff responded to the order to show cause, but did not set forth any reasons why he should not be barred from filing further frivolous IFP actions. Accordingly,

² Plaintiff’s IFP applications indicate that he has no income whatsoever. The Court finds it difficult to believe that Plaintiff has no resources of any kind. However, in light of the Court’s dismissal of these 58 actions, no further filings from plaintiff are necessary regarding his income or assets.

the Court entered a filing injunction on May 28, 2015. (See *Witherspoon v. Dep’t of Educ.*, No. 15-cv-1879, Filing Injunction, Dkt. Entry No. 7.) The instant 58 actions were filed before the Court entered the filing injunction.

STANDARD OF REVIEW

A complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim will be considered “plausible on its face” “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). *Pro se* complaints are held to less stringent standards than pleadings drafted by attorneys and the Court is required to read the plaintiff’s *pro se* complaint liberally and interpret it as raising the strongest arguments it suggests. *Erickson v. Pardus*, 551 U.S. 89 (2007); *Hughes v. Rowe*, 449 U.S. 5, 9 (1980); *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 191-93 (2d Cir. 2008). “In addition to liberally construing *pro se* complaints, a district court should not dismiss a *pro se* complaint without granting the plaintiff leave to amend if ‘a liberal reading of the complaint gives any indication that a valid claim might be stated.’” *Andersen v. Young & Rubicam Advertising*, 487 Fed. Appx. 675, 676 (2d Cir. 2012) (citations omitted).

Nevertheless, pursuant to the IFP statute, the Court must dismiss a complaint if it determines that the action “(i) is frivolous or malicious, (ii) fails to state a claim upon which relief may be granted, or (iii) seeks monetary relief from a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2)(B). “[A] finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are

judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25, 33 (1992); *see also Scanlon v. Vermont*, 423 F. App’x 78, 79 (2d Cir. 2011) (summary order) (“An action is frivolous if it lacks an arguable basis in law and fact – *i.e.*, where it is ‘based on an indisputably meritless legal theory’ or presents ‘factual contentions [which] are clearly baseless.’” (quoting *Neitzke v. Williams*, 490 U.S. 319, 327 (1989)).

DISCUSSION

As with Plaintiff’s prior actions, these complaints are sparse and rudimentary. The Court ordinarily would afford Plaintiff an opportunity to amend the complaints to provide a statement of claim that would comply with Rule 8 of the Federal Rules of Civil Procedure. However, the Court declines to afford Plaintiff such an opportunity given that none of the complaints give any indication that Plaintiff has a valid claim. Instead, as the complaints are clearly irrational and wholly incredible, these 58 complaints are dismissed as frivolous. 28 U.S.C. § 1915(e)(2)(B)(i); *Denton v. Hernandez*, 504 U.S. 25, 33 (1992); *Scanlon v. Vermont*, 423 F. App’x 78, 79 (2d Cir. 2011). Based on Plaintiff’s recent litigation history in this Court where he has now filed 78 complaints in less than two months, and his litigation history in the United States District Court for the District of New Jersey and in the United States Court of Appeals for the Third Circuit where he has filed over 300 cases, Plaintiff clearly has exhibited a propensity for frivolous litigation that has required substantial judicial resources to address.

CONCLUSION

For the reasons set forth above, these 58 complaints, filed *in forma pauperis*, are dismissed as frivolous. 28 U.S.C. § 1915(e)(2)(B)(i). The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis*

status is denied for the purpose of appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). Plaintiff is reminded that a filing injunction is in place and he is prohibited from filing any actions in this Court, whether he pays the filing fee or IFP, without first seeking leave of the Court to do so.

SO ORDERED.

Dated: Brooklyn, New York
August 12, 2015

/s/
DORA L. IRIZARRY
United States District Judge